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14 **UNITED STATES DISTRICT COURT**  
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
16 **SAN FRANCISCO DIVISION**

17 SECURITIES AND EXCHANGE  
18 COMMISSION,

19 Plaintiff,

20 v.

21 PAYWARD, INC.;  
PAYWARD VENTURES, INC.,

22 Defendants.

23 Case No.: 3:23-cv-06003-WHO

24 Judge: Hon. William H. Orrick III  
Hearing Date: June 12, 2024  
Time: 2:00 p.m.  
Place: Videoconference

25 **JOINT STIPULATION AND [PROPOSED]**  
**ORDER TO CONTINUE HEARING ON**  
**MOTION TO DISMISS AND INITIAL**  
**CASE MANAGEMENT CONFERENCE**

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28 STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING ON MOTION TO DISMISS AND INITIAL CASE MANAGEMENT  
CONFERENCE

CASE No. 3:23-cv-06003-WHO

1 Plaintiff Securities and Exchange Commission (“SEC”) and Defendants Payward, Inc. and  
2 Payward Ventures, Inc. (together, “Kraken” and with the SEC, the “Parties”) stipulate as follows:

3 **WHEREAS**, on November 20, 2023, the SEC filed a complaint in the above-captioned  
4 action against Kraken (ECF No. 1);

5 **WHEREAS**, on December 8, 2023, the Court issued an order setting the initial case  
6 management conference (“CMC”) for February 20, 2024 (ECF No. 17);

7 **WHEREAS**, on January 18, 2024, the Court entered an order, pursuant to the Parties’  
8 Stipulation, stating that Kraken was to notice the hearing on its Motion to Dismiss for June 12, 2024,  
9 at 2:00 p.m. (ECF No. 21), and the Court also entered a separate order continuing the CMC to the  
10 same date and time (ECF No. 22);

11 **WHEREAS**, on February 22, 2024, Kraken filed its Motion to Dismiss and noticed a hearing  
12 date of June 12, 2024 at 2:00 p.m. (ECF No. 25);

13 **WHEREAS**, due to scheduling conflicts, the Parties have met and conferred and agreed to  
14 request the Court to continue the date of the CMC and the hearing on Kraken’s Motion to Dismiss  
15 to June 20, 2024, or a date thereafter that is convenient for the Court;

16 **WHEREAS**, the Parties have also met and conferred and agreed to request, pursuant to  
17 paragraph 3 of the Court’s Standing Order for Civil Cases, that the Court hold the CMC and hearing  
18 on Kraken’s Motion to Dismiss in person;

19 **WHEREAS**, the Parties respectfully submit that an in-person hearing will assist the Parties  
20 in presenting their arguments to the Court;

21 **THE PARTIES STIPULATE AND REQUEST AN ORDER**, pursuant to Civil Local  
22 Rules 6-1(b), 6-2, 7-11, and 7-12, as follows:

23 1. The CMC and the hearing on Kraken’s Motion to Dismiss be continued to June 20,  
24 2024 or a date thereafter that is convenient for the Court; and

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1 2. The CMC and the hearing be held in person.

2 DATED: May 14, 2024

3 Respectfully submitted,

4 CLEARY GOTTLIEB STEEN &  
5 HAMILTON LLP

SECURITIES AND EXCHANGE  
COMMISSION

6 By: /s/ Matthew C. Solomon  
7 Matthew C. Solomon

6 By: /s/ Peter Moores  
7 Peter Moores

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12 *Counsel for Plaintiff Securities and*  
13 *Exchange Commission*

15 *Counsel for Defendants Payward, Inc. and*  
16 *Payward Ventures, Inc.*

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## [PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2024

By: \_\_\_\_\_

HON. WILLIAM H. ORRICK III  
UNITED STATES DISTRICT JUDGE

**FILER'S ATTESTATION**

I, Matthew C. Solomon, am the ECF User whose ID and password are being used to file this Joint Motion. In compliance with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing of this document have been obtained from each of the other signatories.

By: /s/ Matthew C. Solomon

Matthew C. Solomon